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KUANG-BAO P. OU-YOUNG  
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Plaintiff Pro Se

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

**FILED**  
 SEP 22 2021  
 CLERK SUSAN Y. SOONG  
 U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE

KUANG-BAO P. OU-YOUNG,

Case No.

Plaintiff,

**C 21 07361**  
**COMPLAINT**

vs.

DEMAND FOR JURY TRIAL

NC

COUNTY OF SANTA CLARA;  
 JEFFREY F. ROSEN, District Attorney,  
 County of Santa Clara; JOHN CHASE,  
 Deputy District Attorney, County of Santa  
 Clara; LAWRENCE E. STONE, Assessor,  
 County of Santa Clara; JEANETTE  
 TONINI, Senior Assessment Clerk, County  
 of Santa Clara; JAMES R. WILLIAMS,  
 County Counsel, County of Santa Clara;  
 KARL A. SANDOVAL, Deputy County  
 Counsel, County of Santa Clara; KARAN S.  
 DHADIALLA, Deputy County Counsel,  
 County of Santa Clara; JOSE L.  
 MARTINEZ, Deputy County Counsel,  
 County of Santa Clara; SHANNON  
 BUSHEY, Registrar of Voters, County of  
 Santa Clara; CHRISTOPHER G. RUDY,  
 Judge, Superior Court of California in and  
 for the County of Santa Clara; JOSEPH H.  
 HUBER, Judge, Superior Court of  
 California in and for the County of Santa  
 Clara;  
 STATE OF CALIFORNIA;  
 STATE BAR OF CALIFORNIA;  
 and EDMUND G. BROWN, JR.,  
 former Governor, State of California,

Defendants.

## JURISDICTION AND VENUE

b1. This action raises questions under provisions of the Civil Rights Act of 1871 in 42 U.S.C. § 1983. The Court has original jurisdiction over these claims under 28 U.S.C. § 1331. This Court has authority to award the requested declaratory relief under 28 U.S.C. §§ 2201-02, the requested injunctive relief under 28 U.S.C. § 1343(a)(4), the requested damages under 28 U.S.C. § 1343(a)(4), and legal costs under 42 U.S.C. § 1988.

b2. Venue is proper under 28 U.S.C. § 1391(b)(2) in the northern district of California because a substantial part of the actions giving rise to this case occurred within the district.

## INTRADISTRICT ASSIGNMENT

b3. Pursuant to Civil L.R. 3-2(c) and (e), this is a civil rights case, in a non-excepted category, suitable for assignment to the San Jose division because this action arises in the County of Santa Clara.

## PARTIES

a1. Plaintiff Kuang-Bao P. Ou-Young is a resident of Santa Clara County.

a2. Defendant County of Santa Clara is a charter county organized and existing under the laws of the State of California.

a3. Defendant Jeffrey F. Rosen is district attorney ("DA") of Santa Clara County.

a4. Defendant John Chase is a deputy district attorney ("DDA") at Santa Clara County DA's office.

a5. Defendant Lawrence E. Stone is assessor of Santa Clara County.

a6. Defendant Jeanette Tonini is a senior assessment clerk at Santa Clara County Assessor's Office.

a7. Defendant James R. Williams is county counsel of Santa Clara County ("CC").

a8. Defendant Karl A. Sandoval is a deputy county counsel ("DCC") at CC's office.

a9. Defendant Karan S. Dhadialla is a DCC at CC's office.

a10. Defendant Jose L. Martinez is a DCC at CC's office.

a11. Defendant Shannon Bushey is registrar of voters of Santa Clara County.

a12. Defendant Christopher G. Rudy is a judge at the Superior Court of California in and for the County of Santa Clara ("state court").

a13. Defendant Joseph H. Huber is a judge at the state court.

a14. Defendant State of California became the 31<sup>st</sup> state of U.S. on September 9, 1850, thereby subjecting itself to the Constitution and laws of the Union.

a15. Defendant State Bar of California ("State Bar") is a public California corporation with its main office at 180 Howard Street, San Francisco, California.

a16. Defendant Edmund G. Brown, Jr., was governor of California from 1975 to 1983 and from 2011 until 2019.

### FACTURAL BACKGROUND

1. On June 15, 2016, plaintiff's spouse transferred her interest in their residence to plaintiff. Two days later, DA Rosen sent a letter to plaintiff's spouse questioning if the transfer represented a real estate fraud. Santa Clara County Assessor's Office then terminated plaintiff's homeowner's exemption for the ensuing tax years.

2. On January 15, 2021, plaintiff filed a case with the state court against Santa Clara County, DA Rosen, DDA Chase, assessor Stone, clerk Tonini, CC Williams, DCC Sandoval, DCC Dhadialla, registrar Bushey, and others (Case No. 21CV375239).

3. On June 23, 2021, CC's office moved to declare plaintiff a vexatious litigant in the state case based on California Code of Civil Procedure ("CCP") §§ 391, 391.1, 391.3, 391.7.

4. On August 30, 2021, judge Rudy issued a tentative ruling declaring plaintiff a vexatious litigant and granting the request for a pre-filing order by CC's office in the state case.

1 The ruling also required plaintiff's appearance in the August 31 motion hearing to determine the  
2 amount of security to be ordered.

3 5. On August 31, 2021, judge Huber formalized judge Rudy's August 30 tentative  
4 ruling in the state case without plaintiff's presence. In addition to declaring plaintiff a vexatious  
5 litigant and granting the request for pre-filing order by CC's office, said judge set the bond at  
6 \$5,000 for suing the county. Judge Huber then continued the Case Management Conference on  
7 that date until November 23.

### 8 CLAIMS

9 c1. Civil Rights Violation: On August 31, 2021, judge Huber formalized judge  
10 Rudy's tentative ruling in the state case. Besides declaring plaintiff a vexatious litigant and  
11 granting the request for a pre-filing order by CC's office, said judge set the bond for suing Santa  
12 Clara County at \$5,000. Judge Huber continued the Case Management Conference on that date  
13 until November 23 as well. In doing so, judge Rudy and judge Huber have conspired with CC  
14 Williams, DCC Sandoval, DCC Dhadialla, DCC Martinez, Santa Clara County, DA Rosen, DDA  
15 Chase, assessor Stone, clerk Tonini, and registrar Bushey to deny plaintiff the First Amendment  
16 right to petition the Government for a redress of grievances, the Seventh Amendment right to a  
17 jury trial, and due process of law as well as equal protection of the laws under the Fourteenth  
18 Amendment under color of CCP §§ 391, 391.1, 391.3, 391.7. Judge Rudy and judge Huber have  
19 acted under color of California Rules of Court §§ 3.1306, 3.1308 as well as judicial immunity;  
20 CC Williams, DCC Sandoval, DCC Dhadialla, and DCC Martinez under color of Section 27645  
21 of California Government Code ("GC") as well as executive immunity; DA Rosen and DDA  
22 Chase under color of Section 26500 of GC as well as prosecutorial immunity; assessor Stone and  
23 clerk Tonini under color of Section 27421 of GC as well as executive immunity; and registrar  
24 Bushey under color of Section 307 of California Election Code as well as executive immunity.

c2. Claim 2 Civil Rights Violation: The state legislature adopted the vexatious litigant statute in 1963, patterned after a statute permitting a court to require security in some derivative suits. *See Beyerbach v. Juno Oil Co.* (1954) 42 Cal. 2d 11. The idea began with the Los Angeles County Bar Association and was pursued by the State Bar, which argued, "The need for the adoption of this legislation is that there is an unreasonable burden placed upon the courts by groundless litigation, which, in turn, prevents the speedy consideration of deserving and proper litigation; the suits that have been filed against the judges themselves require the full time of three to four Deputy Attorneys General[.]" Letter to Gov. Brown (July 3, 1963). Thus, the state legislature has enacted CCP §§ 391, 391.1, 391.3, 391.7 with support from the State Bar as well as former governor Brown in order to deprive plaintiff of the civil rights set forth in ¶ c1 under color of legislative immunity. The State Bar has acted under color of immunity for court officers while governor Brown has behaved under color of executive immunity.

### REQUEST FOR RELIEF

WHEREFORE, plaintiff respectfully requests that the Court enter judgment against all defendants and provide plaintiff with the following relief:

1. A declaratory judgment that defendants have violated plaintiff's constitutional rights as set forth in claim 1 and claim 2.
2. Monetary damages in the amount of \$8,000,000,000 against Santa Clara County, \$400,000,000 each against DA Rosen, assessor Stone, CC Williams, and registrar Bushey, \$40,000,000 each against DDA Chase, DCC Sandoval, DCC Dhadialla, and DCC Martinez, \$10,000,000 against clerk Tonini, \$400,000,000 each against judge Rudy and judge Huber, \$40,000,000,000 each against the State and the State Bar, and \$12,000,000,000 against former governor Brown.
3. Monetary punitive damages against all defendants.

1 4. An order referring all defendants to U.S. Attorney General Merrick B. Garland for  
2 criminal prosecution under 18 U.S.C. § 242.

3 5. All other further relief to which plaintiff may be entitled.

4 **DEMAND FOR JURY TRIAL**

5 Plaintiff hereby demands a trial by jury on all issues for which a right to jury trial exists.

6 Respectfully submitted this 14<sup>th</sup> day of September 2021.

*Kuang-bao Ou-young*

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13  
14 Plaintiff